

JOANNA L. BROOKS (State Bar #182986)
TIMOTHY C. TRAVELSTEAD (State Bar #215260)
ANNE V. LEINFELDER (State Bar #230272)
DOUGLAS M. BRIA (State Bar #226966)
JACKSON LEWIS LLP
199 Fremont Street, 10th Floor
San Francisco, CA 94105
Telephone 415.394.9400
Facsimile: 415.394.9401
Email: brooks@jacksonlewis.com
travelsteadt@jacksonlewis.com
leinfelder@jacksonlewis.com
briad@jacksonlewis.com

Attorneys for Defendant
PEROT SYSTEMS CORPORATION

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

ANGELITA GOMEZ, individually, and on
behalf of all others similarly situated,

Plaintiff,

v.

PEROT SYSTEMS CORPORATION, a
Delaware Corporation; and DOES 1 to 50,

Defendants.

Case No.: CV 08 3337 SC

**STIPULATION ON DISCLOSURE
OF WITNESS CONTACT
INFORMATION**

WHEREAS, the parties filed a joint motion with the Court about the scope and procedure for Perot Systems Corporation to notify current and former employees that Plaintiff's counsel sought their contact information;

WHEREAS, Plaintiff's counsel proposed notifying putative class members identified in specific tables contained within OPAS/Remedy data produced by Defendant;

WHEREAS, on July 17, 2009, the Court stated that Defendant must either (a) produce the contact information for those individuals identified in the OPAS/Remedy data using the methodology suggested by Plaintiff's counsel; or (b) propose an alternative approach;

1 **WHEREAS**, the Court stated that an “opt-out notice” need not target individuals who are
2 putative class members, it must be reasonably calculated to reach those individuals who may have
3 information related to Plaintiff’s claims, whether those individuals are putative class members or
4 not;

5 **WHEREAS**, the Court ordered the parties to meet and confer about a method to identify
6 these persons and provide them with notice about the potential disclosure of their contact
7 information to Plaintiff’s counsel;

8 **WHEREAS**, the parties have arrived at a mutually acceptable approach to the identify
9 these persons and provide them notice;

10 **THEREFORE**, the Parties stipulate as follows:

11 Perot Systems Corporation will provide a third-party administrator, Rust Consulting, Inc.,
12 with the last-known contact information for current and former employees who, between May 27,
13 2004 and the present: (i) were classified as nonexempt; (ii) worked in California; and
14 (iii) received at least one Severity Level 1 or Severity Level 2 page from Perot Systems
15 Corporation’s OPAS/Remedy system outside of their client’s normal business hours (the
16 “Notified Persons”). Based on the data in the OPAS/Remedy system, approximately 980 persons
17 meet these criteria.

18 The third-party administrator shall send the notice attached hereto as Exhibit A to each
19 Notified Person, who shall then have 30 days to return the enclosed post-card in order to prevent
20 his or her contact information from being shared with Plaintiff’s counsel (the “Opt-Out
21 Postcard”). Any Notified Person whose Opt-Out Postcard is postmarked within 30 days of the
22 date of mailing of the notice shall be deemed to have timely opted-out of disclosure of his or her
23 contact information.

24 No earlier than 35 days and no later 45 days after mailing the Exhibit A notice, the third-
25 party administrator shall compile a list of all Notified Persons who did not return the Opt-Out
26 Postcard and provide that list to Plaintiff’s counsel and Defense counsel.

27 Plaintiff’s counsel shall bear the entire cost associated with providing this notice. The
28 parties may stipulate to additional mailings to individuals not identified through the methodology

described herein. Plaintiff reserves the right to seek leave of Court to expand the list of recipients of the notice should additional facts be adduced that identify other individuals as putative class members and/or persons with knowledge of Plaintiff's claims.

Dated: August 21, 2009

JACKSON LEWIS LLP

By: 

JoAnna L. Brooks
Timothy C. Travelstead
Anne V. Leinfelder
Douglas M. Bria
Attorney for Defendant
PEROT SYSTEMS CORPORATION,
a Delaware Corporation

Dated: August 21, 2009

CHAVEZ & GERTLER LLP

SCHNEIDER WALLACE COTTRELL BRAYTON
KONECKY LLP

LAW OFFICES OF RICARDO DE ROSA

By: 

Jonathan E. Gertler, Esq.
Daniel B. Siegel, Esq.
Christian Schreiber, Esq.
Lisa Fialco, Esq.
Attorneys for Plaintiff ANGELITA
GOMEZ and the Proposed Class

Dated: 9/3/9

